

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
ST. JOSEPH DIVISION**

United States of America,)	
)	
	Plaintiff,	
)	
v.)	No. 05-6029-01-CR-SJ-FJG
)	
Mark S. Attebury,)	
	Defendant.	
)	

ORDER

Pending before the Court is the issue of defendant's competency. On February 9, 2006, Magistrate Judge Robert E. Larsen held a hearing regarding defendant's competency at which time the parties stipulated to a report prepared by the forensic staff of the Federal Medical Center in Lexington, Kentucky and signed by Karen Milliner, Psy.D. and Michael Helvey, Ph.D. That report concludes that defendant is presently competent to proceed.

Magistrate Judge Larsen issued a report and recommendation (Doc. #22), filed February 10, 2006, finding that defendant is competent to stand trial and to assist in his defense. No objections to Magistrate Judge Larsen's report and recommendation were filed.

The Court, after independent review of the record and applicable law, finds that defendant is competent to understand the nature and consequence of the proceedings against him and to assist properly in his defense.

IT IS SO ORDERED.

/s/Fernando J. Gaitan, Jr.
United States District Judge

Dated: _February 21, 2006_
Kansas City, Missouri